



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB1628

Introduced 2/23/2005, by Sen. Edward D. Maloney

SYNOPSIS AS INTRODUCED:

- 5 ILCS 430/20-10
- 5 ILCS 430/20-15
- 5 ILCS 430/20-20
- 5 ILCS 430/20-21
- 5 ILCS 430/20-23
- 5 ILCS 430/20-40
- 5 ILCS 430/20-45
- 5 ILCS 430/20-50
- 5 ILCS 430/20-55
- 5 ILCS 430/20-65
- 5 ILCS 430/20-70
- 5 ILCS 430/20-80
- 5 ILCS 430/20-85
- 5 ILCS 430/20-86
- 5 ILCS 430/20-90
- 5 ILCS 430/20-95

Amends the State Officials and Employees Ethics Act. Creates the Higher Education Inspector General, appointed by the Illinois Board of Higher Education, for the public institutions of higher education (now, under the Executive Inspector General appointed by the Governor).

LRB094 10763 JAM 41203 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning ethics.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Officials and Employees Ethics Act is
5 amended by changing Sections 20-10, 20-15, 20-20, 20-21, 20-23,
6 20-40, 20-45, 20-50, 20-55, 20-65, 20-70, 20-80, 20-85, 20-86,
7 20-90, and 20-95 as follows:

8 (5 ILCS 430/20-10)

9 Sec. 20-10. Offices of Executive Inspectors General and the
10 Higher Education Inspector General .

11 (a) Five independent Offices of the Executive Inspector
12 General are created, one each for the Governor, the Attorney
13 General, the Secretary of State, the Comptroller, and the
14 Treasurer, and one independent Office of the Higher Education
15 Inspector General for the public institutions of higher
16 learning as defined in Section 2 of the Higher Education
17 Cooperation Act. Each Office shall be under the direction and
18 supervision of an Executive Inspector General or the Higher
19 Education Inspector General and shall be a fully independent
20 office with separate appropriations.

21 (b) The Governor, Attorney General, Secretary of State,
22 Comptroller, and Treasurer shall each appoint an Executive
23 Inspector General, without regard to political affiliation and
24 solely on the basis of integrity and demonstrated ability. The
25 Illinois Board of Higher Education shall appoint a Higher
26 Education Inspector General for the public institutions of
27 higher learning as defined in Section 2 of the Higher Education
28 Cooperation Act without regard to political affiliation and
29 solely on the basis of integrity and demonstrated ability.
30 Appointments shall be made by and with the advice and consent
31 of the Senate by three-fifths of the elected members concurring
32 by record vote. Any nomination not acted upon by the Senate

1 within 60 session days of the receipt thereof shall be deemed
2 to have received the advice and consent of the Senate. If,
3 during a recess of the Senate, there is a vacancy in an office
4 of Executive Inspector General or the office of the Higher
5 Education Inspector General, the appointing authority shall
6 make a temporary appointment until the next meeting of the
7 Senate when the appointing authority shall make a nomination to
8 fill that office. No person rejected for an office of Executive
9 Inspector General or the office of the Higher Education
10 Inspector General shall, except by the Senate's request, be
11 nominated again for that office at the same session of the
12 Senate or be appointed to that office during a recess of that
13 Senate.

14 Nothing in this Article precludes the appointment by the
15 Governor, Attorney General, Secretary of State, Comptroller,
16 ~~or~~ Treasurer, or Illinois Board of Higher Education of any
17 other inspector general required or permitted by law. The
18 Governor, Attorney General, Secretary of State, Comptroller,
19 ~~and~~ Treasurer, and Illinois Board of Higher Education each may
20 appoint an existing inspector general as the ~~Executive~~
21 Inspector General required by this Article, provided that such
22 an inspector general is not prohibited by law, rule,
23 jurisdiction, qualification, or interest from serving as the
24 ~~Executive~~ Inspector General required by this Article. An
25 appointing authority may not appoint a relative as an Executive
26 Inspector General or as the Higher Education Inspector General.

27 Each Executive Inspector General and the Higher Education
28 Inspector General shall have the following qualifications:

29 (1) has not been convicted of any felony under the laws
30 of this State, another State, or the United States;

31 (2) has earned a baccalaureate degree from an
32 institution of higher education; and

33 (3) has 5 or more years of cumulative service (A) with
34 a federal, State, or local law enforcement agency, at least
35 2 years of which have been in a progressive investigatory
36 capacity; (B) as a federal, State, or local prosecutor; (C)

1 as a senior manager or executive of a federal, State, or
2 local agency; (D) as a member, an officer, or a State or
3 federal judge; or (E) representing any combination of (A)
4 through (D).

5 In addition to the qualifications listed in items (1), (2),
6 and (3), the Higher Education Inspector General shall have 5 or
7 more years of cumulative service within an institution of
8 higher learning.

9 The term of each initial Executive Inspector General and
10 Higher Education Inspector General shall commence upon
11 qualification and shall run through June 30, 2008. The initial
12 appointments shall be made within 60 days after the effective
13 date of this Act.

14 After the initial term, each Executive Inspector General
15 and Higher Education Inspector General shall serve for 5-year
16 terms commencing on July 1 of the year of appointment and
17 running through June 30 of the fifth following year. An
18 Executive Inspector General may be reappointed to one or more
19 subsequent terms.

20 A vacancy occurring other than at the end of a term shall
21 be filled by the appointing authority only for the balance of
22 the term of the Executive Inspector General or the Higher
23 Education Inspector General whose office is vacant.

24 Terms shall run regardless of whether the position is
25 filled.

26 (c) The Executive Inspector General appointed by the
27 Attorney General shall have jurisdiction over the Attorney
28 General and all officers and employees of, and vendors and
29 others doing business with, State agencies within the
30 jurisdiction of the Attorney General. The Executive Inspector
31 General appointed by the Secretary of State shall have
32 jurisdiction over the Secretary of State and all officers and
33 employees of, and vendors and others doing business with, State
34 agencies within the jurisdiction of the Secretary of State. The
35 Executive Inspector General appointed by the Comptroller shall
36 have jurisdiction over the Comptroller and all officers and

1 employees of, and vendors and others doing business with, State
2 agencies within the jurisdiction of the Comptroller. The
3 Executive Inspector General appointed by the Treasurer shall
4 have jurisdiction over the Treasurer and all officers and
5 employees of, and vendors and others doing business with, State
6 agencies within the jurisdiction of the Treasurer. The Higher
7 Education Inspector General shall have jurisdiction over the
8 public institutions of higher learning as defined in Section 2
9 of the Higher Education Cooperation Act and all officers,
10 trustees, and employees of, and vendors and others doing
11 business with, any entities or State agencies within the
12 jurisdiction of the public institutions of higher learning as
13 defined in Section 2 of the Higher Education Cooperation Act.
14 The Executive Inspector General appointed by the Governor shall
15 have jurisdiction over the Governor, the Lieutenant Governor,
16 and all officers and employees of, and vendors and others doing
17 business with, executive branch State agencies under the
18 jurisdiction of the Executive Ethics Commission and not within
19 the jurisdiction of the Attorney General, the Secretary of
20 State, the Comptroller, ~~or~~ the Treasurer, or the public
21 institutions of higher learning as defined in Section 2 of the
22 Higher Education Cooperation Act.

23 The jurisdiction of each Executive Inspector General and
24 the Higher Education Inspector General is to investigate
25 allegations of fraud, waste, abuse, mismanagement, misconduct,
26 nonfeasance, misfeasance, malfeasance, or violations of this
27 Act or violations of other related laws and rules.

28 (d) The minimum compensation for each Executive Inspector
29 General and the Higher Education Inspector General shall be
30 determined by the Executive Ethics Commission. The actual
31 compensation for each Executive Inspector General and the
32 Higher Education Inspector General shall be determined by the
33 appointing executive branch constitutional officer and must be
34 at or above the minimum compensation level set by the Executive
35 Ethics Commission. Subject to Section 20-45 of this Act, each
36 Executive Inspector General and the Higher Education Inspector

1 General has full authority to organize his or her Office of the
2 Executive Inspector General or Office of the Higher Education
3 Inspector General, including the employment and determination
4 of the compensation of staff, such as deputies, assistants, and
5 other employees, as appropriations permit. A separate
6 appropriation shall be made for each Office of Executive
7 Inspector General and the Office of the Higher Education
8 Inspector General.

9 (e) No Executive Inspector General or the Higher Education
10 Inspector General or employee of the Office of the Executive
11 Inspector General or Office of Higher the Education Inspector
12 General may, during his or her term of appointment or
13 employment:

14 (1) become a candidate for any elective office;

15 (2) hold any other elected or appointed public office
16 except for appointments on governmental advisory boards or
17 study commissions or as otherwise expressly authorized by
18 law;

19 (3) be actively involved in the affairs of any
20 political party or political organization; or

21 (4) actively participate in any campaign for any
22 elective office.

23 In this subsection an appointed public office means a
24 position authorized by law that is filled by an appointing
25 authority as provided by law and does not include employment by
26 hiring in the ordinary course of business.

27 (e-1) No Executive Inspector General or the Higher
28 Education Inspector General or employee of the Office of the
29 Executive Inspector General or the Office of the Higher
30 Education Inspector General may, for one year after the
31 termination of his or her appointment or employment:

32 (1) become a candidate for any elective office;

33 (2) hold any elected public office; or

34 (3) hold any appointed State, county, or local judicial
35 office.

36 (e-2) The requirements of item (3) of subsection (e-1) may

1 be waived by the Executive Ethics Commission.

2 (f) An Executive Inspector General or the Higher Education
3 Inspector General may be removed only for cause and may be
4 removed only by the appointing constitutional officer. At the
5 time of the removal, the appointing constitutional officer must
6 report to the Executive Ethics Commission the justification for
7 the removal.

8 (Source: P.A. 93-617, eff. 12-9-03.)

9 (5 ILCS 430/20-15)

10 Sec. 20-15. Duties of the Executive Ethics Commission. In
11 addition to duties otherwise assigned by law, the Executive
12 Ethics Commission shall have the following duties:

13 (1) To promulgate rules governing the performance of
14 its duties and the exercise of its powers and governing the
15 investigations of the Executive Inspectors General and the
16 Higher Education Inspector General. It is declared to be in
17 the public interest, safety, and welfare that the
18 Commission adopt emergency rules under the Illinois
19 Administrative Procedure Act to initially perform its
20 duties under this subsection.

21 (2) To conduct administrative hearings and rule on
22 matters brought before the Commission only upon the receipt
23 of pleadings filed by an Executive Inspector General or the
24 Higher Education Inspector General and not upon its own
25 prerogative, but may appoint special Executive Inspectors
26 General as provided in Section 20-21. Any other allegations
27 of misconduct received by the Commission from a person
28 other than an Executive Inspector General or the Higher
29 Education Inspector General shall be referred to the Office
30 of the appropriate Executive Inspector General or the
31 Higher Education Inspector General.

32 (3) To prepare and publish manuals and guides and,
33 working with the Office of the Attorney General, oversee
34 training of employees under its jurisdiction that explains
35 their duties.

1 (4) To prepare public information materials to
2 facilitate compliance, implementation, and enforcement of
3 this Act.

4 (5) To submit reports as required by this Act.

5 (6) To the extent authorized by this Act, to make
6 rulings, issue recommendations, and impose administrative
7 fines, if appropriate, in connection with the
8 implementation and interpretation of this Act. The powers
9 and duties of the Commission are limited to matters clearly
10 within the purview of this Act.

11 (7) To issue subpoenas with respect to matters pending
12 before the Commission, subject to the provisions of this
13 Article and in the discretion of the Commission, to compel
14 the attendance of witnesses for purposes of testimony and
15 the production of documents and other items for inspection
16 and copying.

17 (8) To appoint special Executive Inspectors General as
18 provided in Section 20-21.

19 (Source: P.A. 93-617, eff. 12-9-03.)

20 (5 ILCS 430/20-20)

21 Sec. 20-20. Duties of the Executive Inspectors General and
22 the Higher Education Inspector General. In addition to duties
23 otherwise assigned by law, each Executive Inspector General and
24 the Higher Education Inspector General shall have the following
25 duties:

26 (1) To receive and investigate allegations of
27 violations of this Act. The Executive Inspector General or
28 the Higher Education Inspector General may receive
29 information through the Office of any Executive Inspector
30 General or the Higher Education Inspector General or
31 through an ethics commission. An investigation may be
32 conducted only in response to information reported to the
33 Executive Inspector General or the Higher Education
34 Inspector General as provided in this Section and not upon
35 his or her own prerogative. Allegations may not be made

1 anonymously. An investigation may not be initiated more
2 than one year after the most recent act of the alleged
3 violation or of a series of alleged violations except where
4 there is reasonable cause to believe that fraudulent
5 concealment has occurred. To constitute fraudulent
6 concealment sufficient to toll this limitations period,
7 there must be an affirmative act or representation
8 calculated to prevent discovery of the fact that a
9 violation has occurred. The Executive Inspector General
10 and the Higher Education Inspector General shall have the
11 discretion to determine the appropriate means of
12 investigation as permitted by law.

13 (2) To request information relating to an
14 investigation from any person when the Executive Inspector
15 General or the Higher Education Inspector General deems
16 that information necessary in conducting an investigation.

17 (3) To issue subpoenas to compel the attendance of
18 witnesses for the purposes of testimony and production of
19 documents and other items for inspection and copying and to
20 make service of those subpoenas and subpoenas issued under
21 item (7) of Section 20-15.

22 (4) To submit reports as required by this Act.

23 (5) To file pleadings in the name of the Executive
24 Inspector General or the Higher Education Inspector
25 General with the Executive Ethics Commission, through the
26 Attorney General, as provided in this Article if the
27 Attorney General finds that reasonable cause exists to
28 believe that a violation has occurred.

29 (6) To assist and coordinate the ethics officers for
30 State agencies under the jurisdiction of the Executive
31 Inspector General or the Higher Education Inspector
32 General and to work with those ethics officers.

33 (7) To participate in or conduct, when appropriate,
34 multi-jurisdictional investigations.

35 (8) To request, as the Executive Inspector General or
36 the Higher Education Inspector General deems appropriate,

1 from ethics officers of State agencies under his or her
2 jurisdiction, reports or information on (i) the content of
3 a State agency's ethics training program and (ii) the
4 percentage of new officers and employees who have completed
5 ethics training.

6 (Source: P.A. 93-617, eff. 12-9-03.)

7 (5 ILCS 430/20-21)

8 Sec. 20-21. Special Executive Inspectors General.

9 (a) The Executive Ethics Commission, on its own initiative
10 and by majority vote, may appoint special Executive Inspectors
11 General (i) to investigate alleged violations of this Act if an
12 investigation by the Inspector General was not concluded within
13 6 months after its initiation, where the Commission finds that
14 the Inspector General's reasons under Section 20-65 for failing
15 to complete the investigation are insufficient and (ii) to
16 accept referrals from the Commission of allegations made
17 pursuant to this Act concerning an Executive Inspector General,
18 the Higher Education Inspector General, or employee of an
19 Office of an Executive Inspector General or the Office of the
20 Higher Education Inspector General and to investigate those
21 allegations.

22 (b) A special Executive Inspector General must have the
23 same qualifications as an Executive Inspector General
24 appointed under Section 20-10.

25 (c) The Commission's appointment of a special Executive
26 Inspector General must be in writing and must specify the
27 duration and purpose of the appointment.

28 (d) A special Executive Inspector General shall have the
29 same powers and duties with respect to the purpose of his or
30 her appointment as an Executive Inspector General appointed
31 under Section 20-10.

32 (e) A special Executive Inspector General shall report the
33 findings of his or her investigation to the Commission.

34 (f) The Commission may report the findings of a special
35 Executive Inspector General and its recommendations, if any, to

1 the appointing authority of the appropriate Executive
2 Inspector General.

3 (Source: P.A. 93-617, eff. 12-9-03.)

4 (5 ILCS 430/20-23)

5 Sec. 20-23. Ethics Officers. Each officer and the head of
6 each State agency under the jurisdiction of the Executive
7 Ethics Commission shall designate an Ethics Officer for the
8 office or State agency. Ethics Officers shall:

9 (1) act as liaisons between the State agency and the
10 appropriate Executive Inspector General or the Higher
11 Education Inspector General and between the State agency
12 and the Executive Ethics Commission;

13 (2) review statements of economic interest and
14 disclosure forms of officers, senior employees, and
15 contract monitors before they are filed with the Secretary
16 of State; and

17 (3) provide guidance to officers and employees in the
18 interpretation and implementation of this Act, which the
19 officer or employee may in good faith rely upon. Such
20 guidance shall be based, wherever possible, upon legal
21 precedent in court decisions, opinions of the Attorney
22 General, and the findings and opinions of the Executive
23 Ethics Commission.

24 (Source: P.A. 93-617, eff. 12-9-03.)

25 (5 ILCS 430/20-40)

26 Sec. 20-40. Collective bargaining agreements. Any
27 investigation or inquiry by an Executive Inspector General or
28 the Higher Education Inspector General or any agent or
29 representative of an Executive Inspector General or the Higher
30 Education Inspector General must be conducted with awareness of
31 the provisions of a collective bargaining agreement that
32 applies to the employees of the relevant State agency and with
33 an awareness of the rights of the employees as set forth by
34 State and federal law and applicable judicial decisions. Any

1 recommendation for discipline or any action taken against any
2 State employee pursuant to this Act must comply with the
3 provisions of the collective bargaining agreement that applies
4 to the State employee.

5 (Source: P.A. 93-617, eff. 12-9-03.)

6 (5 ILCS 430/20-45)

7 Sec. 20-45. Standing; representation.

8 (a) Only an Executive Inspector General or the Higher
9 Education Inspector General may bring actions before the
10 Executive Ethics Commission.

11 (b) The Attorney General shall represent an Executive
12 Inspector General or the Higher Education Inspector General in
13 all proceedings before the Commission. Whenever the Attorney
14 General is sick or absent, or unable to attend, or is
15 interested in any matter or proceeding under this Act, upon the
16 filing of a petition under seal by any person with standing,
17 the Supreme Court (or any other court of competent jurisdiction
18 as designated and determined by rule of the Supreme Court) may
19 appoint some competent attorney to prosecute or defend that
20 matter or proceeding, and the attorney so appointed shall have
21 the same power and authority in relation to that matter or
22 proceeding as the Attorney General would have had if present
23 and attending to the same.

24 (c) Attorneys representing an Inspector General in
25 proceedings before the Executive Ethics Commission, except an
26 attorney appointed under subsection (b), shall be appointed or
27 retained by the Attorney General, shall be under the
28 supervision, direction, and control of the Attorney General,
29 and shall serve at the pleasure of the Attorney General. The
30 compensation of any attorneys appointed or retained in
31 accordance with this subsection or subsection (b) shall be paid
32 by the appropriate Office of the Executive Inspector General or
33 Office of the Higher Education Inspector General.

34 (Source: P.A. 93-617, eff. 12-9-03.)

1 (5 ILCS 430/20-50)

2 Sec. 20-50. Investigation reports; complaint procedure.

3 (a) If an Executive Inspector General or the Higher
4 Education Inspector General, upon the conclusion of an
5 investigation, determines that reasonable cause exists to
6 believe that a violation has occurred, then the Executive
7 Inspector General or the Higher Education Inspector General
8 shall issue a summary report of the investigation. The report
9 shall be delivered to the appropriate ultimate jurisdictional
10 authority and to the head of each State agency affected by or
11 involved in the investigation, if appropriate.

12 (b) The summary report of the investigation shall include
13 the following:

14 (1) A description of any allegations or other
15 information received by the Executive Inspector General or
16 the Higher Education Inspector General pertinent to the
17 investigation.

18 (2) A description of any alleged misconduct discovered
19 in the course of the investigation.

20 (3) Recommendations for any corrective or disciplinary
21 action to be taken in response to any alleged misconduct
22 described in the report, including but not limited to
23 discharge.

24 (4) Other information the Executive Inspector General
25 or the Higher Education Inspector General deems relevant to
26 the investigation or resulting recommendations.

27 (c) Not less than 30 days after delivery of the summary
28 report of an investigation under subsection (a), if the
29 Executive Inspector General or the Higher Education Inspector
30 General desires to file a petition for leave to file a
31 complaint, the Executive Inspector General or the Higher
32 Education Inspector General shall notify the Commission and the
33 Attorney General. If the Attorney General determines that
34 reasonable cause exists to believe that a violation has
35 occurred, then the Executive Inspector General or the Higher
36 Education Inspector General, represented by the Attorney

1 General, may file with the Executive Ethics Commission a
2 petition for leave to file a complaint. The petition shall set
3 forth the alleged violation and the grounds that exist to
4 support the petition. The petition for leave to file a
5 complaint must be filed with the Commission within 18 months
6 after the most recent act of the alleged violation or of a
7 series of alleged violations except where there is reasonable
8 cause to believe that fraudulent concealment has occurred. To
9 constitute fraudulent concealment sufficient to toll this
10 limitations period, there must be an affirmative act or
11 representation calculated to prevent discovery of the fact that
12 a violation has occurred. If a petition for leave to file a
13 complaint is not filed with the Commission within 6 months
14 after notice by the Inspector General to the Commission and the
15 Attorney General, then the Commission may set a meeting of the
16 Commission at which the Attorney General shall appear and
17 provide a status report to the Commission.

18 (d) A copy of the petition must be served on all
19 respondents named in the complaint and on each respondent's
20 ultimate jurisdictional authority in the same manner as process
21 is served under the Code of Civil Procedure.

22 (e) A respondent may file objections to the petition for
23 leave to file a complaint within 30 days after notice of the
24 petition has been served on the respondent.

25 (f) The Commission shall meet, either in person or by
26 telephone, in a closed session to review the sufficiency of the
27 complaint. If the Commission finds that complaint is
28 sufficient, the Commission shall grant the petition for leave
29 to file the complaint. The Commission shall issue notice to the
30 Executive Inspector General or the Higher Education Inspector
31 General and all respondents of the Commission's ruling on the
32 sufficiency of the complaint. If the complaint is deemed to
33 sufficiently allege a violation of this Act, then the
34 Commission shall notify the parties and shall include a hearing
35 date scheduled within 4 weeks after the date of the notice,
36 unless all of the parties consent to a later date. If the

1 complaint is deemed not to sufficiently allege a violation,
2 then the Commission shall send by certified mail, return
3 receipt requested, a notice to the parties of the decision to
4 dismiss the complaint.

5 (g) On the scheduled date the Commission shall conduct a
6 closed meeting, either in person or, if the parties consent, by
7 telephone, on the complaint and allow all parties the
8 opportunity to present testimony and evidence. All such
9 proceedings shall be transcribed.

10 (h) Within an appropriate time limit set by rules of the
11 Executive Ethics Commission, the Commission shall (i) dismiss
12 the complaint or (ii) issue a recommendation of discipline to
13 the respondent and the respondent's ultimate jurisdictional
14 authority or impose an administrative fine upon the respondent,
15 or both.

16 (i) The proceedings on any complaint filed with the
17 Commission shall be conducted pursuant to rules promulgated by
18 the Commission.

19 (j) The Commission may designate hearing officers to
20 conduct proceedings as determined by rule of the Commission.

21 (k) In all proceedings before the Commission, the standard
22 of proof is by a preponderance of the evidence.

23 (l) When the Inspector General concludes that there is
24 insufficient evidence that a violation has occurred, the
25 Inspector General shall close the investigation. At the request
26 of the subject of the investigation, the Inspector General
27 shall provide a written statement to the subject of the
28 investigation and to the Commission of the Inspector General's
29 decision to close the investigation. Closure by the Inspector
30 General does not bar the Inspector General from resuming the
31 investigation if circumstances warrant.

32 (Source: P.A. 93-617, eff. 12-9-03.)

33 (5 ILCS 430/20-55)

34 Sec. 20-55. Decisions; recommendations.

35 (a) All decisions of the Executive Ethics Commission must

1 include a description of the alleged misconduct, the decision
2 of the Commission, including any fines levied and any
3 recommendation of discipline, and the reasoning for that
4 decision. All decisions of the Commission shall be delivered to
5 the head of the appropriate State agency, the appropriate
6 ultimate jurisdictional authority, and the appropriate
7 Executive Inspector General or the Higher Education Inspector
8 General. The Executive Ethics Commission shall promulgate
9 rules for the decision and recommendation process.

10 (b) If the Executive Ethics Commission issues a
11 recommendation of discipline to an agency head or ultimate
12 jurisdictional authority, that agency head or ultimate
13 jurisdictional authority must respond to that recommendation
14 in 30 days with a written response to the Executive Ethics
15 Commission. This response must include any disciplinary action
16 the agency head or ultimate jurisdictional authority has taken
17 with respect to the officer or employee in question. If the
18 agency head or ultimate jurisdictional authority did not take
19 any disciplinary action, or took a different disciplinary
20 action than that recommended by the Executive Ethics
21 Commission, the agency head or ultimate jurisdictional
22 authority must describe the different action and explain the
23 reasons for the different action in the written response. This
24 response must be served upon the Executive Ethics Commission
25 and the appropriate Executive Inspector General or the Higher
26 Education Inspector General within the 30-day period and is not
27 exempt from the provisions of the Freedom of Information Act.

28 (Source: P.A. 93-617, eff. 12-9-03.)

29 (5 ILCS 430/20-65)

30 Sec. 20-65. Investigations not concluded within 6 months.
31 If any investigation is not concluded within 6 months after its
32 initiation, the appropriate Executive Inspector General or the
33 Higher Education Inspector General shall notify the Executive
34 Ethics Commission and appropriate ultimate jurisdictional
35 authority of the general nature of the allegation or

1 information giving rise to the investigation and the reasons
2 for failure to complete the investigation within 6 months.

3 (Source: P.A. 93-617, eff. 12-9-03.)

4 (5 ILCS 430/20-70)

5 Sec. 20-70. Cooperation in investigations. It is the duty
6 of every officer and employee under the jurisdiction of an
7 Executive Inspector General or the Higher Education Inspector
8 General, including any inspector general serving in any State
9 agency under the jurisdiction of that Executive Inspector
10 General or the Higher Education Inspector General, to cooperate
11 with the Executive Inspector General or the Higher Education
12 Inspector General in any investigation undertaken pursuant to
13 this Act. Failure to cooperate with an investigation of the
14 Executive Inspector General or the Higher Education Inspector
15 General is grounds for disciplinary action, including
16 dismissal. Nothing in this Section limits or alters a person's
17 existing rights or protections under State or federal law.

18 (Source: P.A. 93-617, eff. 12-9-03.)

19 (5 ILCS 430/20-80)

20 Sec. 20-80. Referrals of investigations. If an Executive
21 Inspector General or the Higher Education Inspector General
22 determines that any alleged misconduct involves any person not
23 subject to the jurisdiction of the Executive Ethics Commission,
24 that Executive Inspector General or the Higher Education
25 Inspector General shall refer the reported allegations to the
26 appropriate Inspector General, appropriate ethics commission,
27 or other appropriate body. If an Executive Inspector General or
28 the Higher Education Inspector General determines that any
29 alleged misconduct may give rise to criminal penalties, the
30 Executive Inspector General or the Higher Education Inspector
31 General may refer the allegations regarding that misconduct to
32 the appropriate law enforcement authority.

33 (Source: P.A. 93-617, eff. 12-9-03.)

1 (5 ILCS 430/20-85)

2 Sec. 20-85. Quarterly reports by Executive Inspector
3 General and the Higher Education Inspector General. Each
4 Executive Inspector General and the Higher Education Inspector
5 General shall submit quarterly reports to the appropriate
6 executive branch constitutional officer and the Executive
7 Ethics Commission, on dates determined by the Executive Ethics
8 Commission, indicating:

9 (1) the number of allegations received since the date
10 of the last report;

11 (2) the number of investigations initiated since the
12 date of the last report;

13 (3) the number of investigations concluded since the
14 date of the last report;

15 (4) the number of investigations pending as of the
16 reporting date;

17 (5) the number of complaints forwarded to the Attorney
18 General since the date of the last report; and

19 (6) the number of actions filed with the Executive
20 Ethics Commission since the date of the last report and the
21 number of actions pending before the Executive Ethics
22 Commission as of the reporting date.

23 (Source: P.A. 93-617, eff. 12-9-03.)

24 (5 ILCS 430/20-86)

25 Sec. 20-86. Quarterly reports by the Attorney General. The
26 Attorney General shall submit quarterly reports to the
27 Executive Ethics Commission, on dates determined by the
28 Executive Ethics Commission, indicating:

29 (1) the number of complaints received from each of the
30 Executive Inspectors General and the Higher Education
31 Inspector General since the date of the last report;

32 (2) the number of complaints for which the Attorney
33 General has determined reasonable cause exists to believe
34 that a violation has occurred since the date of the last
35 report; and

1 (3) the number of complaints still under review by the
2 Attorney General.

3 (Source: P.A. 93-617, eff. 12-9-03.)

4 (5 ILCS 430/20-90)

5 Sec. 20-90. Confidentiality.

6 (a) The identity of any individual providing information or
7 reporting any possible or alleged misconduct to an Executive
8 Inspector General or the Higher Education Inspector General or
9 the Executive Ethics Commission shall be kept confidential and
10 may not be disclosed without the consent of that individual,
11 unless the individual consents to disclosure of his or her name
12 or disclosure of the individual's identity is otherwise
13 required by law. The confidentiality granted by this subsection
14 does not preclude the disclosure of the identity of a person in
15 any capacity other than as the source of an allegation.

16 (b) Subject to the provisions of Section 20-50(c),
17 commissioners, employees, and agents of the Executive Ethics
18 Commission, the Executive Inspectors General, the Higher
19 Education Inspector General, and employees and agents of each
20 Office of an Executive Inspector General and the Office of the
21 Higher Education Inspector General shall keep confidential and
22 shall not disclose information exempted from disclosure under
23 the Freedom of Information Act or by this Act.

24 (Source: P.A. 93-617, eff. 12-9-03.)

25 (5 ILCS 430/20-95)

26 Sec. 20-95. Exemptions.

27 (a) Documents generated by an ethics officer under this
28 Act, except Section 5-50, are exempt from the provisions of the
29 Freedom of Information Act.

30 (b) Any allegations and related documents submitted to an
31 Executive Inspector General or the Higher Education Inspector
32 General and any pleadings and related documents brought before
33 the Executive Ethics Commission are exempt from the provisions
34 of the Freedom of Information Act so long as the Executive

1 Ethics Commission does not make a finding of a violation of
2 this Act. If the Executive Ethics Commission finds that a
3 violation has occurred, the entire record of proceedings before
4 the Commission, the decision and recommendation, and the
5 mandatory report from the agency head or ultimate
6 jurisdictional authority to the Executive Ethics Commission
7 are not exempt from the provisions of the Freedom of
8 Information Act but information contained therein that is
9 otherwise exempt from the Freedom of Information Act must be
10 redacted before disclosure as provided in Section 8 of the
11 Freedom of Information Act.

12 (c) Meetings of the Commission under Sections 20-5 and
13 20-15 of this Act are exempt from the provisions of the Open
14 Meetings Act.

15 (d) Unless otherwise provided in this Act, all
16 investigatory files and reports of the Office of an Executive
17 Inspector General or the Office of the Higher Education
18 Inspector General, other than quarterly reports, are
19 confidential, are exempt from disclosure under the Freedom of
20 Information Act, and shall not be divulged to any person or
21 agency, except as necessary (i) to the appropriate law
22 enforcement authority if the matter is referred pursuant to
23 this Act, (ii) to the ultimate jurisdictional authority, (iii)
24 to the Executive Ethics Commission; or (iv) to another
25 Inspector General appointed pursuant to this Act.

26 (Source: P.A. 93-617, eff. 12-9-03.)